

REMARKS

In the Office Action dated July 5, 2000, claims 1-8, 10-18, 22 and 23, all claims pending in the above-identified U.S. patent application, were rejected. Applicants have carefully reviewed the Office Action and submit the amendments above and the remarks to follow as a full and complete response thereto. Applicants submit that these amendments are fully supported by the specification, raise no new issues for examination, and place the application in condition for allowance or in better condition for appeal. Entry of the amendments is respectfully requested.

Claims 1-7, 10, 12-18, 22 and 23 are currently pending. In this response, Applicants have cancelled claims 8 and 11 and have amended claims 1-23. Claims 1-7, 10, 12-18, and 22 and 23, as amended, are presented for reconsideration.

By the above amendments, Applicants have more particularly pointed out and distinctly claimed the subject matter regarded as the invention. No new matter is added. Specifically, claim 1 is amended to include the limitation of claim 8, to recite Markush language rather than "consisting essentially of", and to recite the fact that the foaming agents are substitutes for CFC 11. Claims 2 and 3 are amended consistent with the amendments to claim 1. Claims 4-7 are amended to recite a percentage of a substituted amount of a compound and claims 5 and 7 are additionally amended to correct the chemical substitute. The helpful comments of the Examiner are appreciated.

In view of the amendment to claim 1, claim 8 is cancelled. Claims 12-16, 18, 22 and 23 now properly depend from only one claim and claim 23 now claims polymer compositions containing specific foaming agents. Applicants do not believe that they have used the wrong structural formula. Clarification of the record is requested.

In view of these amendments, Applicants respectfully submit that the rejections presented under 35 U.S.C. §112, first and second paragraphs, are overcome or rendered moot.

The rejection of claims 1-3, 12, 13, 18, 22 and 23 under 35 U.S.C. § 102 as being anticipated by *Klug et al.* (U.S. Patent Nos. 5,605,882; 5,648,016; and 5,779,931) is respectfully traversed.

Nowhere in *Klug et al.* is it disclosed that the instant compositions possess the same properties as foaming agents of CFC 11. Applicants have amended the claims to include such limitation and accordingly believe the rejection is rendered moot.

Attached is Applicants' Declaration prepared by inventor Giampiero Basile. Set forth in the Declaration are seven compositions randomly selected from Table 1, Columns 10-11 of the '882 *Klug et al.* patent (see page three of the Declaration). Applicants prepared polyurethane compositions incorporate these seven compositions by following the procedure of Example 2 as set forth at page 32 of the present application. Composition having the physical characteristics set forth at page 2 of the Declaration were obtained. The characteristics should be compared to the physical characteristics of the claimed composition, γ and the composition containing CFC 11.

Table 2 (last page of the Declaration) demonstrates that "Klug compositions" have a higher density than those prepared with either CFC 11 or the composition of the claimed invention and, in fact the "Klug compositions" have random characteristics.

In view of the amendments and remarks above, Applicants submit that this application is in condition for allowance and request reconsideration and favorable action thereon.

If for any reason, the Examiner feels the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not timely filed, Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, along with any other fees which may be required with respect to this application.

Respectfully submitted,

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC

A handwritten signature in dark ink, appearing to read "James A. Poulos, III", with a stylized flourish at the end.

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Enclosures: Declaration of Dr. Giampiero Basile
Petition for Extension of Time